



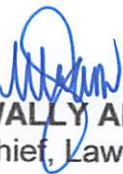
REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF CUSTOMS**

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**MEMORANDUM**

**TO :** **KARREN APRIL A. NOROÑO-GABION**  
Officer-in-Charge  
Public Information and Assistance Division (PIAD)

**THRU :** **ATTY. MARIA YASMIN M. OBILLOS-MAPA**  
District Collector, BOC-NAIA

**FROM :**   
**ATTY. WALLY ANN D. YUMUL**  
Acting Chief, Law Division

**SUBJECT :** **PUBLICATION IN THE BOC WEBSITE OF THE ISSUED  
DECISION AND WARRANT OF SEIZURE AND  
DETENTION (WSD)**

**DATE :** **25 MARCH 2024**

This refers to the herein attached Decision of Forfeiture and Warrant of Seizure and Detention (WSD):

- 1. SEIZURE IDENTIFICATION NO. 010-2024 (NAIA):** Shipment of Seven (7) units Techno Smart Camon Mobile Phones brought in by incoming passenger **JOEL COPADA PALIZA**, held in custody under HBR No. 001000003262;
- 2. SEIZURE IDENTIFICATION NO. 011-2024 (NAIA):** Shipment of Four (4) Units of used laptop brought in by Chinese passenger **DU BIN** who arrived on 15 September 2023 from China;
- 3. SEIZURE IDENTIFICATION NO. 012-2024 (NAIA):** Shipment of Twenty-nine (29) bottles of Orthomol Immun Supplement brought in by **SANGA KIM** on 19 October 2023 and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 001000005051;
- 4. SEIZURE IDENTIFICATION NO. 013-2024 (NAIA):** Shipment of Five (5) Units Riflescope brought in by incoming passenger **FREDERICK AVILAR ADA** and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 001000003789;
- 5. SEIZURE IDENTIFICATION NO. 014-2024 (NAIA):** Shipment of Ten (10) units Mobile Phones brought in by incoming passenger **ROFIQURROHMAN**, Indonesian national, who arrived on 13 November 2023, and held in custody under Held Baggage Receipt No. 001000005523; and
- 6. SEIZURE IDENTIFICATION NO. 015-2024 (NAIA):** Shipment of Five (5) units Mobile Phones brought in by incoming passenger **BEH MONG TIAN**, a Malaysian national, who arrived on 01 August 2023, and Held in custody under Held Baggage Receipt No. 001000004016.



As the aforementioned passengers/claimants have indicated insufficient addresses in the Philippines, the WSDs must be served by posting in the bulletin board of this Port and by electronic posting in the BOC website for fifteen days, as provided under Section 6.5.2 of CAO No. 10-2020, to wit:

**6.5.2.** To the owner of the goods or his authorized representative.

For the purpose of serving the WSD, the importer, consignee, named in the bill of lading or airway bill, or possessor shall be deemed the owner of the goods.

If the owner is unknown, with insufficient address, or a foreign entity or individual, service shall be effected by posting of the WSD by the ESS in the bulletin board of the concerned collection district office, **and by electronic posting through the BOC website, or printed publication, for fifteen (15) days.**

In view of the foregoing, this Office respectfully requests that the copy of the Decision on Seizure Identification Nos. 010-2024 (NAIA), 011-2024 (NAIA), 012-2024 (NAIA), 013-2024 (NAIA), 014-2024 (NAIA) and 015-2024 (NAIA), respectively, be electronically posted with the BOC website for fifteen (15) days. A copy of said warrant is herein attached. Furthermore, scanned copies thereof were also forwarded to [Piad@customs.gov.ph](mailto:Piad@customs.gov.ph) and [Jessil.garlando@customs.gov.ph](mailto:Jessil.garlando@customs.gov.ph).



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26 March 2024

**MR. JOEL COPADA PALIZA**  
Bacoor, Cavite

**Subject : Seizure Identification No. 010-2024 (NAIA)**  
Republic of the Philippines vs Seven (7) units Techno Smart  
Canon Mobile Phones brought in by incoming passenger JOEL  
**COPADA PALIZA**, held in custody under Held Baggage Receipt  
No. 001000003262

Dear **Mr. Joel Copada Paliza**

This refers to the shipment which is covered by Seizure Identification No. 010-2024 (NAIA) issued on March 25, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

Kindly send your Verified Position Paper, with pertinent attachments to [lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

*for*   
**ATTY. EMILIO Y. LEGASPI IV**  
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
NO. 010-2024 (NAIA)

-versus-

Seven (7) units Techno Smart Camon Mobile Phones brought in by incoming passenger **JOEL COPADA PALIZA**, held in custody under Held Baggage Receipt No. 00100003262.

X-----X

**WARRANT OF SEIZURE AND DETENTION**

TO: The District Commander  
ESS-CPD, NAIA District Office

WHEREAS, on 28 June 2023, Passenger Joel Copada Paliza, Filipino and holder of Passport No. P8626495B, arrived at NAIA Passenger Terminal 1 via PR311. His checked-in baggage passed through x-ray scanning and was marked "X" by XIP Operator Bong Grajo and thereafter was referred to Customs Examiner Kimberly A. Sangalang for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Kimberly A. Sangalang asked passenger Paliza if he has anything to declare and if he accomplished a Customs Baggage Declaration Form (CBDF). Passenger Paliza answered in the affirmative and then handed over his Passport and accomplished CBDF to Customs Examiner Sangalang.

WHEREAS, upon opening the passenger's luggage, Customs Examiner Sangalang found seven (7) units of Techno Smart Camon Mobile Phones. She then asked passenger Paliza if he has an Import Permit for the said articles, to which the passenger answered in the negative. She then explained to passenger Paliza the need to present an NTC Import Permit/Clearance because Mobile Phones are regulated under Section 117 of the Customs Modernization and Tariff Act (CMTA).

WHEREAS, Customs Examiner Sangalang then issued Held Baggage Receipt No. 00100003262 to Mr. Paliza and the seven (7) Techno Smart Camon Mobile Phones were turned over to the In Bond Section, Baggage Assistance Division, for custody and safekeeping.

WHEREAS, in a Memorandum dated 03 November 2023 for the District Collector, this Port, Ms. Kimberly A. Sangalang, Customs Examiner, and Ms. Dianne Karen V. Caceres, Acting Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, and Mr. Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, reported their findings and recommended that the subject Techno Smart Camon Mobile Phones be held in custody until passenger Mr. Paliza submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC) and the corresponding payment of customs duties and taxes, if applicable. However, up to this time, passenger Mr. Paliza nor any of his duly authorized representative failed to appear and submit the required NTC Import Permit/Clearance.



WHEREAS, in his Memorandum dated 29 February 2024, Mr. Roberto A. Quintana, Chief, Baggage Assistance Division, thru Mr. Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, recommended to the Law Division for the issuance of Warrant of Seizure and Detention (WSD) against the seven (7) units Techno Smart Camon Mobile Phones which were held in bond at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100003262 for lack of NTC Import Permit/Clearance from the National Telecommunication Commission.

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the seven (7) units Techno Smart Camon Mobile Phones brought in by Mr. Joel Copada Paliza for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and applicable NTC laws, rules and regulations.

WHEREFORE, by virtue of authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the subject seven (7) units Techno Smart Camon Mobile Phones brought in by incoming passenger **JOEL COPADA PALIZA** for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case before the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

**SO ORDERED.**

BOC-NAIA, Pasay City, 25 March 2024.

  
**ATTY. MARIA YASMIN M. OBILOS MERA**  
District Collector, BOC-NAIA

Law/WADY/EyIIV





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26 March 2024

**MR. DU BIN**  
P3P7 + FVF  
Novaliches, Lungsod Quezon

**Subject : Seizure Identification No. 011-2024 (NAIA)**  
Republic of the Philippines vs Four (4) Units of used laptop  
brought in by Chinese passenger **DU BIN** who arrived on 15  
September 2023 from China

Dear **Mr. Du Bin**

This refers to the shipment which is covered by Seizure Identification No. 011-2024 (NAIA) issued on March 25, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

Kindly send your Verified Position Paper, with pertinent attachments to [lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

  
**ATTY. HYACINTH A. MIRANDA**  
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
NO. 011-2024 (NAIA)

-versus-

Four (4) Units of used laptop  
brought in by Chinese passenger  
**DU BIN** who arrived on 15  
September 2023 from China

X-----X

## WARRANT OF SEIZURE AND DETENTION

TO: The District Commander  
ESS-CPD, NAIA District Office

WHEREAS, passenger Du Bin, a Chinese National and holder of Passport No. E85732129, arrived at the Ninoy Aquino International Airport (NAIA) Terminal 3 on 15 September 2023 on board Flight No. CZ3019 from China;

WHEREAS, during routine x-ray screening, the checked-in baggage of passenger Du Bin, was marked "X" by X-ray Inspection project (XIP) Operator Paul Lodea, and was referred to Customs Examiner Edgardo P. Cabanillas, Jr. for physical examination.

WHEREAS, before conducting the physical examination, Examiner Cabanillas asked passenger if he had accomplished a Customs Baggage Declaration Form (CBDF). Examiner Cabanillas noted that passenger answered "No" to all items indicated in the General Declaration in page 3 of the CBDF, except for item No. 9. Further, the Examiner asked the traveler if he had anything to declare to which he replied in the affirmative.

WHEREAS, Examiner Cabanillas then proceeded with the initial physical examination of the passenger's baggage, which resulted to the discovery of four (4) units used laptops with an estimated value of USD2,000.00 or approximately Php113,698.00.

WHEREAS, for failure to present the permit/clearance required from the National Telecommunications Commission (NTC), Held Baggage Receipt No. 00100004487 was issued to passenger Du Bin and the items were held and turned-over to Jonathan Mesa of the In-bond Unit, Baggage Assistance Division (BAD) for safekeeping.

WHEREAS, on 01 March 2024, the Law Division, this Port, received a Memorandum from Roberto A. Quintana, Chief Baggage Assistance Division, thru Acting Deputy Collector for Passenger Service, recommending for the issuance of Warrant of Seizure and Detention (WSD) against the subject four laptops for lack of necessary import clearance/permit from the National Telecommunications Commission.

WHEREAS, after careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the subject four (4) laptops for violation of Section 117 of the Customs Modernization and Tariff Act (CMTA), and National Telecommunication Commission's Memorandum Circular No. 01-01-2012.



**WHEREFORE**, by virtue of the authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the Four (4) units of used laptops intercepted from incoming passenger **DU BIN** for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case before the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

**SO ORDERED.**

BOC-NAIA, Pasay City, 25 March 2024.

  
**ATTY. MARIA YASMIN M. OBILLOS-MAPA**  
District Collector, BOC-NAIA

Wdy/law/ham







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SEIZURE IDENTIFICATION  
NO. 012-2024 (NAIA)

-versus-

Twenty-nine (29) bottles of Orthomol Immun Supplement brought in by **SANGA KIM** on 19 October 2023 and held in custody at the In Bond Section, Baggage Assistance Division, under Held Baggage Receipt No. 00100005051.

X-----X

## DECISION

This resolves the seizure and forfeiture proceedings instituted against the above-described shipment for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Article 1 (Licensing of Establishments and Registration of Health Products), Book II of the Rules and Regulations Implementing Republic Act No. 9711 – The Food and Drug Administration (FDA) Act of 2009

A cursory review of the entire records of the instant seizure and forfeiture case reveals the following antecedents, to wit:

1. On 19 October 2023, Sanga Kim, a Korean National and holder of Passport No. M998Q9396, arrived at NAIA Terminal 1 on board Flight OZ 703 from Japan.
2. Passenger Kim's check-in-luggage passed through non-intrusive screening and was marked with "X" by X-ray Operator Christopher Asuncion and was then referred to the Customs Examiner on duty for physical examination.
3. Before conducting an actual physical examination of the luggage, Customs Examiner Kimberly A. Sangalang asked passenger Sanga Kim to submit her filled out Customs Baggage Declaration Form (CBDF). After going over the same, Customs Examiner Sangalang noted that Passenger Sanga Kim ticked "NO" to all the items on page 3 of the CBDF, except for item 4 of the said form. Thereafter, Customs Examiner Sangalang conducted an actual physical examination of the luggage Sanga Kim where she found the twenty-nine (29) bottles of Orthomol with an estimated value of One Hundred Fifty US Dollars (\$150.00).
4. Customs Examiner Sangalang asked passenger Sanga Kim if she secured an Import Clearance of the Orthomol she brought in, but she failed to present any. Thereafter, Held Baggage Receipt No. 00100005051 was issued and the goods were turned over to the In Bond Section, Baggage Assistance Division for safekeeping while waiting for Passenger Sanga Kim to submit the required Import Clearance from the Food and Drug Administration (FDA) and payment of duties and taxes on the said Food Supplements.
5. In a Memorandum dated 23 October 2023, Customs Examiner Sangalang and Flight Supervisor Gaylord Hilario C. Ventura, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, and Mr. Norsalem Raymond M. Mama-o, Acting Deputy Collector for Passenger Service, reported their findings to the District Collector, this Port, and recommended that the goods remained in the custody of the In-Bond Section, Baggage Assistance Division, this Port, until such time that



Passenger Sanga Kim submits the required FDA Import Permit or Clearance and upon payment of the duties and taxes to be assessed therein, if any.

6. In a Memorandum dated 29 February 2024, Mr. Roberto A. Quintana, then Chief, Baggage Assistance Division, recommended to the Chief, Law Division, this Port, for the issuance of Warrant of Seizure and Detention against the twenty-nine (29) bottles of Orthomol for lack of Import Permit or Clearance which is required in Republic Act No. 9711 otherwise known as the Food and Drug Administration (FDA) Act of 2009, and for violation of Section 117 of the Customs Modernization and Tariff Act (CMTA).

## DISCUSSION:

As culled from the records of the instant case, passenger Sanga Kim brought into the country the subject twenty-nine (29) bottles of Orthomol Immun Supplement without license, permit/clearance nor authorization from the FDA as required in Section 10 of RA No. 9711 or the Food and Drug Administration (FDA) Act of 2009 which states that:

Section 10. Section 11, subsections (a), (b), (d), (g), (j), (k) and (l) of Republic Act No. 3720, as amended, are hereby further amended to read as follows:

**“SEC. 11. The following acts and the causing thereof are hereby prohibited:**

XXX

- (k) The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, or retail of any drug, device or in-vitro diagnostic reagent; the manufacture, importation, exportation, transfer or distribution of any food, cosmetic or household/urban hazardous substance; or the operation of a radiation or pest control establishment by any natural or juridical person **without the license to operate from the FDA required under this Act.**

Relatively, Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009 expressly prohibits such importation, to wit:

“Section 1. General Provisions.

1. The manufacture, **importation**, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship **of any health product without the proper authorization from the FDA is prohibited.**
2. The manufacture, **importation**, exportation sale, offering for sale, distribution transfer, or retail of any drug or device; the manufacture, importation, exportation transfer or distribution of any food, cosmetics, household hazardous substances or urban pesticides; or the operation of a radiation facility or pest control establishment **without the appropriate authorization from the FDA is prohibited.**

On this score, Paragraph 9.3 of Customs Administrative Order No. 10-2020 in relation to Section 118 (g) of the Customs Modernization and Tariff Act (CMTA), are instructive and authoritative, to wit:



"9.3 If the subject shipment involved has been sufficiently established to be **prohibited**, the same shall be **ipso facto forfeited** in favor of the government."

"**Section 118. Prohibited Importation and Exportation.** - The importation and exportation of the following goods are prohibited:

- (g) All other goods or parts thereof which importation and exportation are explicitly prohibited by law or rules and regulations issued by the competent authority.

WHEREAS, Section 1113 of the Customs Modernization and Tariff Act (CMTA) provides that:

"**SECTION 1113. Property Subject to Seizure and Forfeiture.** - Property that shall be subject to seizure and forfeiture include:

X X X

X X X

- (f) Goods, the importation or exportation of which are effected or attempted contrary to law, or any goods of prohibited importation or exportation, and all other goods which, in the opinion of the District Collector, have been used, are or were entered to be used as instruments in the importation or the exportation of the former;" (Underline for emphasis)

**WHEREFORE**, premised considered, the subject Twenty-nine (29) bottles of Orthomol Immun Supplement brought in by **SANGA KIM** is hereby declared *ipso facto* **FORFEITED**, for violation of Section 118 (g) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA) in relation to Section 10 of Republic Act No. 9711 or the Food and Drug Administration (FDA) Act of 2009 and Article I (Licensing of Establishments and Registration of Health Products), Book II of The Rules and Regulations Implementing Republic Act No. 9711 - The Food and Drug Administration Act of 2009, to be turned over the same to the Auction and Cargo Disposal Division (ACDD) for custody and safekeeping and for final disposition thereof pursuant to CAO No. 10-2020 bearing the subject "Seizure and Forfeiture and Appeals Process".

Let copies of this Decision be furnished to all offices and parties concerned for their information, and a copy thereof to be posted in the Bulletin Board of the Law Division and the Arrival Operations Division, this Port, for information of all concerned.

**SO ORDERED.**

BOC-NAIA, Pasay City, 25 March 2024.

  
**ATTY. MARIA YASMIN M. OBILLOS-MAPA**  
District Collector, BOC-NAIA

Law/wady/moz





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26 March 2024

**MR. FREDERIC AVILAR ADA**  
Ph4 Blk 5 Lot 8 Parklane  
Cavite

**Subject : Seizure Identification No. 013-2024 (NAIA)**  
Republic of the Philippines vs Five (5) units Riflescope brought in  
by incoming passenger **FREDERIC AVILAR ADA** and held in  
custody at the In Bond Section, Baggage Assistance Division,  
under Held Baggage Receipt No. 001000003789

Dear **Mr. Frederic Avilar Ada**

This refers to the shipment which is covered by Seizure Identification No. 013-2024 (NAIA) issued on March 25, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

Kindly send your Verified Position Paper, with pertinent attachments to [lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

  
**ATTY. HYACINTH A. MIRANDA**  
Officer-on-Case



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REPUBLIC OF THE PHILIPPINES

SEIZURE IDENTIFICATION  
NO. 013-2024 (NAIA)

-versus-

Five (5) Units Riflescope brought in  
by incoming passenger,  
**FREDERIC AVILAR ADA** and held  
in custody at the In Bond Section,  
Baggage Assistance Division,  
under Held Baggage Receipt No.  
00100003789.

X-----X

**WARRANT OF SEIZURE AND DETENTION**

TO: The District Commander  
ESS-CPD, NAIA District Office

WHEREAS, on 21 July 2023, Passenger Frederic Avilar Ada, Filipino, and holder of Passport No. P3506823C, arrived at the NAIA Terminal 3 on board Cebu Air Flight 5J 752 from Vietnam.

WHEREAS, passenger Ada's checked-in baggage underwent the non-intrusive X-ray examination and was marked with "X" by XIP Operator on duty Paul Lodea, who then referred the passenger to Mr. Kyle Christian U. Vitoria, Customs Examiner, for physical examination of the baggage.

WHEREAS, before conducting the said physical examination, Customs Examiner Vitoria asked passenger Ada to submit his duly accomplished Customs Baggage Declaration Form (CBDF). He handed over his Passport and duly accomplished CBDF. Customs Examiner Vitoria found that passenger Ada checked "NO" to all the items on page 3 except for Item No. 6, referring to "Firearms, ammunitions and explosives x x x". He was likewise asked if he has anything to declare to which he readily replied in the affirmative.

WHEREAS, Customs Examiner Vitoria then conducted an actual examination of passenger Ada's baggage and the same yielded five (5) units Riflescope with an estimated value of Twenty Thousand Pesos (Php20,000.00). However, passenger Ada could not present the required Import Permit or Clearance for the said Riflescopes which prompted the issuance of Held Baggage Receipt No. 00100003576 to passenger Ada. The goods were later turned over to the In Bond Section, Baggage Assistance Division, for safekeeping pending the submission of the Import Permit/Clearance from the Philippine National Police.

WHEREAS, in a Memorandum dated 10 November 2023, Customs Examiner Kyle Christian U. Vitoria, Flight Supervisor Felipe Maria T. Regencia, Jr., Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported the incident to the District Collector, this Port.

WHEREAS, in a Memorandum from Mr. Roberto A. Quintana, Chief, Baggage Assistance Division, thru Mr. Norsalem Raymond M. Mama-o, Deputy Collector for



Passenger Service, it was recommended to the District Collector, this Port, that a Warrant of Seizure and Detention be issued against the subject five (5) units Riflescopes for violation of Section 119 (a) and Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), in relation to Republic Act No. 10591 or the Comprehensive Firearms and Ammunitions Act.

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector found probable cause for the issuance of Warrant of Seizure and Detention against the subject Riflescopes for violation of Republic Act No. 10591, otherwise known as the Comprehensive Firearms and Ammunitions Regulation Act, and Section 1113 (f) in relation to Section 119 (a) of the Customs Modernization and Tariff Act (CMTA).

WHEREFORE, by virtue of the authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the five (5) Riflescopes brought in by incoming passenger, **FREDERIC AVILAR ADA** for violation of Republic Act No. 10591, otherwise known as the Comprehensive Firearms and Ammunition Regulation Act, and Section 119 (a) in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and to turn over to the Auction and Cargo Disposal Division, this Port, for inventory, classification, and valuation of goods pursuant to Section 1120 of the CMTA, custody and safekeeping pursuant to CAO 10-2020, pending the resolution of the seizure case before the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Memorandum Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

**SO ORDERED.**

BOC-NAIA, Pasay City, 25 March 2024.

  
**ATTY. MARIA YASMIN M. OBILLOS-WAPA**  
District Collector, BOC-NAIA

Law/wady/eyllV





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26 March 2024

**MR. ROFIQURROHMAN**  
Multinational Village Don Bosco  
Parañaque

**Subject : Seizure Identification No. 014-2024 (NAIA)**  
Republic of the Philippines vs Ten (10) units Mobile Phones  
brought in by incoming passenger **ROFIQURROHMAN**,  
Indonesian national, who arrived on 13 November 2023, and held  
in custody under Held Baggage Receipt No. 001000005523

Dear **Mr. Rofiqurrohman**

This refers to the shipment which is covered by Seizure Identification No. 014-2024 (NAIA) issued on March 25, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

Kindly send your Verified Position Paper, with pertinent attachments to [lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

*Manuel O. Zurbito Jr.*  
**fa** **ATTY. MANUEL O. ZURBITO JR.**  
Officer-on-Case



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**REPUBLIC OF THE PHILIPPINES**

**SEIZURE ENTIFICATION  
NO. 014-2024 (NAIA)**

**-versus-**

Ten (10) units Mobile Phones brought in by incoming passenger **ROFIQURROHMAN**, Indonesian national, who arrived on 13 November 2023, and held in custody under Held Baggage Receipt No. 00100005523.

X-----X

## **WARRANT OF SEIZURE AND DETENTION**

**TO: The District Commander  
ESS-CPD, NAIA District Office**

WHEREAS, the ten (10) units Mobile Phones were brought in by passenger Mr. Rofiqurrohman, an Indonesian national and holder of Passport No. E0585330 upon his arrival at the Ninoy Aquino International Airport Terminal 3 on 13 November 2023 Cebu Air Flight 5J760 from Jakarta, Indonesia.

WHEREAS, passenger Rofiqurrohman's luggage passed through the non-intrusive x-ray scanning and was marked "X" by XIP Operator Janica Arboleda and was referred to Customs Examiner May Anne B. Panaligan for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Panaligan asked passenger Rofiqurrohman to submit his filled-out Customs Baggage Declaration Form (CBDF). After going over the same, Customs Examiner Panaligan noted that Passenger Rofiqurrohman ticked "NO" to all the items on page 3 of the CBDF, except for Item 9 which refer to "Mobile Phones, hand-held radios and similar gadgets in excess of quantities for personal use." Thereafter, Customs Examiner Panaligan conducted an actual physical examination of the luggage of Mr. Rofiqurrohman where she found inside the ten (10) units of Mobile Phones with an estimated value of US\$1,000.00 or Php56,000.00.

WHEREAS, Customs Examiner Panaligan asked Passenger for the Import Permit for the used Mobile Phones, but he failed to present any. Thereafter, Held Baggage Receipt No. 00100005523 was issued to passenger Rofiqurrohman and the used mobile phones were turned over to the In-Bond Section, Baggage Assistance Division for safekeeping while waiting for Passenger Rofiqurrohman to submit the required NTC Import Permit/Clearance and payment of duties and taxes, if any.

WHEREAS, in a Memorandum dated 15 November 2023 for the District Collector, this Port, Ms. May Anne B. Panaligan, Customs Examiner, and Ms. Michelle Ann M. Untalan, Acting Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported their findings and recommended that the ten (10) mobile phones be held in custody until passenger Mr. Rofiqurrohman submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC) and





payment of customs duties and taxes, if any. However, passenger Rofiqurohman nor his duly authorized representative failed to appear and submit the required NTC Import Permit/Clearance.

WHEREAS, in his Memorandum dated 29 February 2024, Mr. Roberto A. Quintana, Chief, Baggage Assistance Division, thru Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, recommended to the Law Division for the issuance of Warrant of Seizure and Detention (WSD) against the ten (10) units used mobile phones.

WHEREAS, National Telecommunications Commission Memorandum Circular No. 01-01-2012, particularly Section 2.2 thereof provides:

**"2.2 Permit to Import must be secured from this Commission prior to importation.** If the shipment arrives without the necessary import permit, a Release Clearance maybe secured by the importer in lieu of the Permit to Import. A Release Clearance maybe issued for unregulated equipment."

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the ten (10) used Mobile phones brought in by Mr. for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and the applicable NTC laws, rules and regulations.

**WHEREFORE**, by virtue of the authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize the ten (10) used Mobile Phones intercepted from incoming passenger **ROFIQURROHMAN** for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other related NTC laws, rules and regulations, and to turn over the same to the Auction and Cargo Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO No. 10-2020, pending the resolution of the seizure case before the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Administrative Order No. 10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

**SO ORDERED.**

BOC-NAIA, Pasay City, 25 March 2024.

  
**ATTY. MARIA YASMIN M. OBILLOS MAPA**  
District Collector, BOC-NAIA

Law/wady/moz





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DEPARTMENT OF FINANCE  
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26 March 2024

**MR. BEH MONG TIAN**  
1006 Ongpin St. China Town  
Manila

**Subject : Seizure Identification No. 015-2024 (NAIA)**  
Republic of the Philippines vs Five (5) units Mobile Phones brought in by incoming passenger **BEH MONG TIAN**, a Malaysian national, who arrived on 01 August 2023, and Held in custody under Held Baggage Receipt No. 001000004016

Dear **Mr. Beh Mong Tian**

This refers to the shipment which is covered by Seizure Identification No. 015-2024 (NAIA) issued on March 25, 2024 by the District Collector, this Port. A copy of the Warrant of Seizure and Detention is attached for reference.

As part of the on-going seizure and forfeiture proceedings for the aforementioned shipment, you are hereby directed to submit a Verified Position Paper **within seven (7) days** from receipt hereof, copy furnished the Government Prosecutor, Prosecution and Litigation Division, Legal Service, Bureau of Customs, Port Area, Manila, to discuss the following:

1. Issues of the Case;
2. Proposed Stipulation and Admission;
3. Arguments;
4. Exhibits; and
5. Possibility of settlement.

Kindly send your Verified Position Paper, with pertinent attachments to [lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph](mailto:lawdivision.naia@gmail.com/naia-boc.cares@customs.gov.ph).

Very truly yours,

*for*   
**ATTY. EMILIO Y. LEGASPI IV**  
Officer-on-Case



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SEIZURE IDENTIFICATION  
NO. 015-2024 (NAIA)

-versus-

Five (5) units Mobile Phones brought in by incoming passenger **BEH MONG TIAN**, a Malaysian national, who arrived on 01 August 2023, and held in custody under Held Baggage Receipt No. 00100004016.

X-----X

## WARRANT OF SEIZURE AND DETENTION

TO: The District Commander  
ESS-CPD, NAIA District Office

WHEREAS, the Five (5) units Mobile Phones were brought in by passenger Beh Mong Tian, a Malaysian national and holder of Passport No. A55390807 upon his arrival at the Ninoy Aquino International Airport Terminal 1 on 01 August 2023 on Malaysian Airlines Flight MH 1137 from Malaysia.

WHEREAS, passenger Tian's luggage passed through the non-intrusive x-ray scanning and was marked "X" by XIP Operator John Taytay and was later referred to Customs Examiner on duty, Mr. Kyle Christian U. Vioria, for physical examination.

WHEREAS, before conducting an actual physical examination of the luggage, Customs Examiner Vioria asked passenger Tian to submit his filled-out Customs Baggage Declaration Form (CBDF). After going over the same, Customs Examiner Vioria noted that Passenger Tian ticked "NO" to all the items on page 3 of the CBDF, except for Item 9 which refer to "Mobile Phones, hand-held radios and similar gadgets in excess of quantities for personal use." Thereafter, Customs Examiner Vioria conducted an actual physical examination of the luggage of Mr. Tian where he found inside the five (5) units of used Mobile Phones with an estimated value of US\$1,000.00 or Php56,000.00.

WHEREAS, Customs Examiner Vioria asked Passenger Tian if he had an Import Permit for the used Mobile Phones, to which he replied in the negative. Thereafter, Held Baggage Receipt No. 00100004016 was issued against passenger Tian and the used mobile phones were turned over to the In Bond Section, Baggage Assistance Division for safekeeping while awaiting the submission of the NTC Import Permit/Clearance and payment of duties and taxes on the said mobile phones.

WHEREAS, in a Memorandum dated 10 November 2023 for the District Collector, this Port, Mr. Kyle Christian U. Vioria, Customs Examiner, and Ms. Jennifer Ivy M. Orbeta, Acting Flight Supervisor, thru Atty. Danilo M. Campos, Jr., Chief, Arrival Operations Division, Mr. Mark Jhon O. Almase, Assistant Deputy Collector for Passenger Service, and Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, reported their findings and recommended that the used mobile phones be held in custody until passenger Mr. Tian submits the required Import Permit/Clearance from the National Telecommunications Commission (NTC) and payment of customs duties and taxes, if



any. However up to this time, passenger Tian nor his duly authorized representative failed to appear and submit the required NTC Import Permit/Clearance.

WHEREAS, in his Memorandum dated 29 February 2024, Mr. Roberto A. Quintana, Chief, Baggage Assistance Division, thru Mr. Norsalem Raymond M. Mama-o, Deputy Collector for Passenger Service, recommended to the Law Division for the issuance of Warrant of Seizure and Detention (WSD) against the five (5) units used Mobile Phones which were held in bond at the In Bond Section, Baggage Assistance Division under Held Baggage Receipt No. 00100004016 for lack of NTC Import Permit/Clearance from the National Telecommunication Commission.

WHEREAS, National Telecommunications Commission Memorandum Circular No. 01-01-2012, particularly Section 2.2 thereof provides:

**"2.2 Permit to Import must be secured from this Commission prior to importation.** If the shipment arrives without the necessary import permit, a Release Clearance maybe secured by the importer in lieu of the Permit to Import. A Release Clearance maybe issued for unregulated equipment."

WHEREAS, after a careful evaluation of the documents submitted and applicable customs laws, rules and regulations, the NAIA District Collector finds probable cause for the issuance of Warrant of Seizure and Detention against the five (5) used Mobile phones brought in by Beh Mong Tian for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and the applicable NTC laws, rules and regulations.

**WHEREFORE**, by virtue of the authority vested in me by law, and in compliance with the applicable customs and allied laws, rules and regulations, you, together with the representatives of the concerned offices, are hereby ordered to seize five (5) used Mobile Phones intercepted from incoming passenger **BEH MONG TIAN** for violation of Section 117 in relation to Section 1113 (f) of the Customs Modernization and Tariff Act (CMTA), and other related NTC laws, rules and regulations, and to turn over the same to the Auction and Cárگو Disposal Division, this Port, for inventory, classification and valuation of goods pursuant to Section 1120 of the CMTA, and custody and safekeeping pursuant to CAO No. 10-2020, pending the resolution of the seizure case before the Law Division, and/or until ordered by the District Collector, this Port.

Strict compliance with Customs Administrative Order (CAO) No.10-2020, particularly on the matter of making a return of service and the submission of the Inventory Report or list of the articles seized, within the period indicated therein, is likewise directed. Failure to do so shall render this Warrant, *ipso facto*, considered null and void and shall subject the defaulting officer to the appropriate administrative charges and penalties in accordance with existing laws, rules, and regulations.

**SO ORDERED.**

BOC-NAIA, Pasay City, 25 March 2024.

  
**ATTY. MARIA YASMIN M. OBILLOS-MAPA**  
District Collector, BOC-NAIA

Law/wady/eylIV

